

REMARKS

Claims 1-4 remain pending in the above-identified application with claims 1-2 standing rejected and claims 3-4 being withdrawn from consideration due to an earlier Restriction Requirement.

***Election/Restriction***

The Examiner has previously required restriction in the matter of the present application. Applicants acknowledge their prior election of the invention of claims 1-2, drawn to a resin composite, classified in class 524, subclass 437. Applicants also acknowledge that the election was made with traverse. Applicants appreciate the Examiner's comments concerning rejoining of claims 3-4, once allowable subject matter is indicated (see paragraph "7." of the outstanding Office Action).

***Claim Rejections Under 35 USC § 102***

Claims 1-2 have been rejected under 35 USC § 102(b) as being anticipated by Yamada et al. '553 (US 4,491,553). Reconsideration and withdrawal of this rejection is respectfully requested based on the following considerations.

Incorporation of Earlier Remarks

First, Applicants wish to incorporate herein by reference, in their entirety, remarks set forth in the prior response of April 15, 2003, at page 4, line 19 to page 8, line 14.

Further, Applicants wish to have the Examiner again review the 37 CFR § 1.132 Declaration of Mr. Satoru Nippa, which was also filed with the USPTO on April 15, 2003.

It is submitted that upon proper review of the earlier submitted remarks of April 15, 2003, and the accompanying declaration of Mr. Nippa, submitted on the same day, the Examiner will understand that each of instant claims 1-2 are patentable over the cited reference of Yamada et al. '553.

Additional Comments

In the outstanding Office Action, the USPTO appears to assert that "non-kneaded" Examples 3-5 in Yamada et al. '553 parallel mixing an aqueous resin emulsion with ALOH to form an agglomerate or aggregate, which then forms a resin composite. (See, page 6, lines 15-16 of the outstanding Office Action dated July 29, 2003).

Yamada described in Example 3 that "Two kinds of non-kneaded resin blends were prepared with 50 parts of a pelletized polypropylene..., 50 parts of talc... and 0.05 part of an anti-oxidant..., with or without 0.2 part of fibrillatable PTFE. The

resin blends had a moisture content of 0.2% by weight.... A 5 kg portion of each of the above prepared blends was put into a super mixer of 20 liter capacity and mixed for 5 minutes...."

According to the above expression, especially "moisture content of 0.2%", it is explicit that the obtained resin blends of Yamada et al. '553 are not emulsions.

Further, even if fibrillatable PTFE is in the form of an aqueous emulsion, any mixture obtained by mixing a pelletized polypropylene, talc, anti-oxidant and the fibrillatable PTFE must not be in the form of emulsion. This is because the amount of added fibrillatable PTFE is 0.2 parts at most and the amount of solvent in the emulsion is 2 parts at most (the content of PTFE in emulsion is from several tens of % up to 60%; see, column 4, lines 61-63 of Yamada et al. '553).

Examples 4 and 5 of Yamada et al. '553 are the same as that in Example 3 from a viewpoint of mixing. Therefore, each of Examples 3-5 of Yamada '553 employ "non-kneading" and the resin blends of Examples 3-5 do not form an emulsion with ALOH.

In the outstanding Office Action, it is also the USPTO's position that it is not clear that the fibrillatable PTFE "F-104" utilized in the earlier filed 37 CFR § 1.132 Declaration of Mr. Satoru Nippa (filed April 15, 2003) is the same as "F-103" utilized

in Yamada et al. '553 (see page 7, line 19-20 of the outstanding Office Action dated July 29, 2003).

Daikin Industries Co. Ltd., manufacturer of fibrillatable PTFE "F-103", explains that "F-103" has stopped being produced and is replaced by "F-104".

Since "F-104" and "F-103" are powdery and fibrillatable PTFE, "F-104" can be used in place of "F-103". The method disclosed in the Satoru Nippa 37 CFR § 1.132 Declaration is not different from that of Yamada et al. '553.

Therefore, the earlier filed 37 CFR § 1.132 declaration has clearly shown that the resin blends of Example 2 of Yamada et al. '553 are outside of the range of the present invention.

Furthermore, resin blends obtained in Example 3-5 of Yamada et al. '553 are the same or similar to those in Example 2.

As shown in the previous response of April 15, 2003, since the resin blends of Example 2 in Yamada et al. '553 are different from the present invention, the resin blends of Examples 3-5 of Yamada et al. '553 are also different from the present invention.

Accordingly, the present invention is novel over Yamada et al. '553 based on the earlier submitted 37 CFR § 1.132 Declaration of Mr. Satoru Nippa, which evidences that the resin composite of Yamada et al. '553 possesses an Y/X index outside the scope of the present claims.

CONCLUSION

Based upon the remarks submitted herewith, as well as the earlier filed response of April 15, 2003, and the Declaration of Mr. Nippa, previously filed on April 15, 2003, the Examiner is respectfully requested to issue a Notice of Allowance clearly indicating that each of the pending claims are now in condition for allowance. This includes rejoined claims 3-4.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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